

CC Docket 96-159

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Federal Communications Commission
Office of Secretary

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
The Application of Southwestern Bell)	
Telephone Company for Waiver of Local)	NSD-L-96-4
Access and Transport Area Boundaries)	
to Provide Two-Way, Non-Optional)	
Expanded Local Calling Service)	
)	
The Application of Southwestern Bell)	
Telephone Company for Waiver of Local)	NSD-L-96-6
Access and Transport Area Boundaries)	
for the Limited Purpose of Providing)	
ISDN in the Hearne LATA)	
)	
BellSouth Petition for Limited Modification)	
of LATA Area Boundaries to Provide)	NSD-L-96-7
Two-Way Non-Optional EAS)	

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Common Carrier Bureau
Network Service Division
Office of the Chief

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REPLY OF SOUTHWESTERN BELL TELEPHONE COMPANY

On June 25, 1996, Southwestern Bell Telephone Company (SWBT) filed a Petition for Waiver of certain local access and transport area (LATA) boundaries in Texas, pursuant to 47 U.S.C. § 3(25), to provide two-way, non-optional expanded local calling service (ELCS) to certain Texas telephone exchanges.

On June 28, 1996, SWBT filed a separate petition for waiver of the boundaries between the Hearne, Texas, LATA and the Austin, Texas, LATA, to provide remote integrated digital service network (ISDN) throughout Texas.

By public notice, the Federal Communications Commission (Commission) requested

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comment on SWBT's petitions. AT&T and IntelCom Group (ICG) filed Comments. ICG did not oppose SWBT's Petitions, stating that the requested relief would have no more than a de minimis competitive effect.¹ AT&T did not oppose SWBT's Petition regarding the provision of ELCS between (1) the Pawnee exchange in the Corpus Christi LATA and the Kennedy and Karnes/Fall City exchanges in the San Antonio LATA; and (2) the Albany exchange in the Abilene LATA and the Breckenridge exchange in the Dallas LATA. Indeed, AT&T made no comment at all regarding this requested relief.

AT&T did comment upon SWBT's Petition to provide remote ISDN in Texas, arguing that, under the Telecommunications Act of 1996, (the "new Act") the Commission has the authority only to modify LATA boundaries, not to waive them.² AT&T did not, however, directly oppose the requested relief, stating instead that "the Commission should exercise whatever authority it has to grant this and similar petitions sparingly, if at all."³

As SWBT's Petitions indicated, SWBT has been ordered by the Texas Public Utility Commission (PUC) to provide the interLATA services in question. Prior to the effective date of the Telecommunications Act of 1996, SWBT would have directed its requests to the MFJ court. The new Act, however, removed the jurisdiction of that court. Thus, SWBT's requests to be allowed to comply with the orders of the Texas PUC must now be addressed to the Commission.

SWBT is not seeking the modification of LATA boundaries, which would entail cumbersome and unnecessary changes to switches and other network equipment. Rather, SWBT merely seeks

¹ ICG at 3.

² AT&T at 2-3.

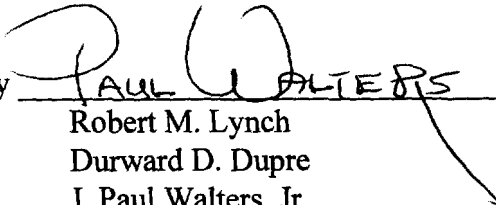
³ Id. at 5.

the Commission's permission to comply with specific Texas PUC orders. Surely, if the Commission has the authority to modify LATA boundaries, as AT&T admits, the Commission also has the lesser authority to permit compliance with state commission orders.

Neither ICG nor AT&T has objected to the relief sought by SWBT. The Commission should therefore grant the requested relief.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

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September 10, 1996

Certificate of Service

I, Elaine Temper, hereby certify that the Reply of Southwestern Bell Telephone Company on NSD-L 96-4, NSD-L-96-6 and NSD-L-96-7 have been served this 10th day of September, 1996 to the Parties of Record.

A handwritten signature in cursive script, reading "Elaine Temper", is written over a horizontal line.

Elaine Temper

September 10, 1996

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